

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JOHN DOE,)	
)	
Plaintiff,)	4:09CV3266
)	
V.)	
)	
NEBRASKA STATE PATROL, JON)	ORDER
BRUNING, Attorney General of)	
Nebraska, COL. BRYAN TUMA,)	
Superintendant of Law Enforcement)	
and Public Safety for the Nebraska)	
State Patrol, DONALD W. KLEINE,)	
Douglas County Attorney,)	
TIMOTHY F. DUNNING, Douglas)	
County Sheriff, and ALEX HAYES,)	
Omaha Police Chief,)	
)	
Defendants.)	
_____)	

Counsel for plaintiff, counsel for the Nebraska defendants and counsel for the Douglas County defendants conferred with me yesterday on the telephone. During the conference, the lawyers agreed in this case to be bound by my ruling on the motion for preliminary injunction in 8:09CV456. I have now entered my memorandum and order in that matter. Accordingly,

IT IS ORDERED that:

1. Except as provided below, the request for a preliminary injunction is denied.

- 2 Defendants are preliminarily enjoined from enforcing the following statutes against persons who have been convicted of sex offenses but who have completed their criminal sentences and who are not on probation, parole, or court-ordered supervision, to wit: (1) Neb. Rev. Stat. § 29-4006(2) (West, Operative January 1, 2010) (requiring consent to search and installation of monitoring hardware and software) and (2) Neb. Rev. Stat. § 28-322.05 (West, Operative January 1, 2010) (making it a crime to use Internet social networking sites accessible by minors by a person required to register under the Sex Offender Registration Act).
3. Since a bond will be posted in 8:09CV456, counsel for the Plaintiff in this case is the same as counsel for the Plaintiffs in 8:09CV456, and it is likely that these two cases will be consolidated, no bond will be required in this case at this time. However, if the defendants wish to object to the lack of a bond, they may file a motion for reconsideration.

DATED this 30th day of December, 2009.

BY THE COURT:

Richard G. Kopf
United States District Judge